

JAMES C. KIRKPATRICK STATE INFORMATION CENTER (573) 751-4936

ELECTIONS DIVISION (573) 751-2301

March 23, 2018

The Honorable Nicole Galloway State Auditor State Capitol Building Jefferson City, MO 65101

RECEIVED MAR 23 2018

STATE AUDITORS OFFICE

RE:

Petition approval request from Brian Hagg regarding a proposed statutory amendment to Chapter

116 (2018-369)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Brian Hagg on March 22, 2018.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc:

Hon. Joshua D. Hawley

Sheri Hoffman Trish Vincent

penalties for false signal law or amendment to Page No	nature.—The foll the Constitution It is a class A contrary, for a contrary, for a contrary of the dollars or both to sign his or he cuch person known a contract of Missow (or amendment or oval or rejections ays: I have person to the contract of the person contract of the person the contract of the person the contract of the person the person the person the person the person the contract of the person the per	onal amendment, form—clowing shall be substantially on of the state of Missouri properties of in the state of Missouri properties of imprisonment not the form of imprisonment not the form once to sign any intername more than once for she or she is not a registed uri and	y the form of coposed by the notwithstar to exceed on itiative petition the same noted where the state ity of St. Loube submitted to be held on a register.	f each page on the initiative: anding the property of the prop	county
and County (or which I live are correct		, my registered voting addr	ess and the r	name of the o	city, town or village in
	CIRCU	JLATOR'S AFFIDAVIT STATE	OF MISSOU	RI, COUNTY (OFI,
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		WAN Z			
	WC	SECRETARY OF STATE			
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		Address of Affiant Subscrib			
Address of Notary Not	ary Public (Seal) equirements of s	My commission expires section 116.050 and section		If this fo	orm is followed

This Missouri statute 116.040 sites a Missouri statute 560.021 that has been repealed and replaced as 558.002 but it is not listed. The Missouri statute 560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law;...

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《 》 Effective 04 Nov 2014, see footnote ☑ Chapter 1	16			
Title IX SUFFRAGE AND ELECTIONS				
*116.040. Initiative petition for law or constitutional substantially the form of each page of each petition for a	I amendment, form — clerical and tenths are amendment to the Constitu	chnical errors to be of the state of M	disregarded, penalties for false signature. Iissouri proposed by the initiative:	— The following shall be
	County			
	Page No			
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	provisions of section 560.021, R			
	of imprisonment not to exceed o			
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	sign any initiative petition with a			
	own, or knowingly to sign his or	her name more than or	nce for	
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	when such person knows he or s	he is not a registered vo	oter.	
	INITIATIVE	PETITION		
	To the Honorable, Secreta Missouri:	ary of State for the state	of	
	We, the undersigned, registered	voters of the state of Mi	ssouri	
	and County (or City of St	Louis), respectfully or	der that	
	the following proposed law (or a			
	shall be submitted to the voters o	f the state of Missouri, f	for their	
	approval or rejection, at the gene			
	day of an			
	says: I have personally signed the			
	voter of the state of Missouri and	County (or City	of St.	

*116.040. Initiative petition for law or constitutional amendment, form — clerical and technical errors to be disregarded, penalties for false signature. — The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County	
Page No.	

It is a class A misdemeanor punishable, notwithstanding the provisions of section [560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.] The Missouri statute 560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law;...

INITIATIVE PETITION

To the Honorable, Secretary of State for the state of Missouri:
We, the undersigned, registered voters of the state of Missouri and County (or City of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for thei approval or rejection, at the general election to be held on the day of,, and each for himself or herself
says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) _____

CIRCULATOR'S AFFIDAVIT

State Of M	issouri,				
County Of					
	eing first d	uly sworn, say	(print or	type nam	nes of
signers)					
		REGISTERED			
	DATE	VOTING	ZIP	CONGR.	
NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
					(Printed
(Signature)		(Street) (City,			or
		Town or			
		Village)			Typed)
	(Here follo	ow numbered l	ines for s	signers)	
signed his each has straity, town or registered or FURTHER PENALTY ME ARE TO BEEN CONGUILTY TO I am at least	or her name ated his or lated h	e foregoing pet thereto in my her name, register rectly, and the state of Misson EREBY SWEAL CORRECT AND F, FOUND GUENSE INVOLOT age. I do for circulating	presence pre	e; I believe oting addresigner is a Cou FIRM UN MENTS M TI HAVE I F, OR PLE ORGERY.	e that ess and unty. DER ADE BY NEVER D
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		92 93000	9	taining sig	matures)
		71	crson ob	tanting sig	griatures)
		(P	rinted N	ame of Af	fiant)
		Ad	ddress of	Affiant	
Subscribed A.D.		to before me t	his	day of _	J

Signature	of Notary
Address o	of Notary

Notary Public (Seal)

My commission expires _____

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117)

Effective 11-04-14

*Revisor's Note: Section 560.021, as referenced in the form contained in this section, was repealed by S.B. 491, 2014, effective 1-01-17.

*116.030. Referendum petition, form — clerical and technical errors to be disregarded, penalties for false signature. — The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County	
Page No	

It is a class A misdemeanor punishable, notwithstanding the provisions of section[560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.] The Missouri statute560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the

class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law:...

PETITION FOR REFERENDUM

To the Ho	norable	, Secretary	of State	for the sta	ite of
Missouri:		53.6			
and the Senate passed by at the assembly, for their ap on the assembly s herself say registered City of St.	County (cor House) the regular shall be refunded for the control or the control of the country in the coun	registered votor City of St. Los Bill No general assemble (or special) ses erred to the vorejection, at the ersonally signed astate of Misson registered votige in which I lies.	euis), results of the sion of the general unless to this per unit and end and and and and and and and and and a	pectfully d (title of e state of he ne state of election te the general each for his etition; I ar Co ess and th	order that law), Missouri, general Missouri to be held al mself or m a ounty (or te name of
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		fficial Ballot titl		3-25	
Chala OCM		CULATOR'S A	FFIDAV	11	
State Of M					
County Of					
I, b	eing first d	uly sworn, say	(print o	r type nai	mes of
	DATE	REGISTERED VOTING	ZIP	CONGR.	
NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
					(Printed
(Signature)		(Street) (City,			or
		Town or Village)			Typed)

(Here follow numbered	l lines for signers)
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signed this page of the foregoin			
signed his or her name thereto in my presence; I believe that			
each has stated his or her name, registered voting address and			
city, town or village correctly, a	O		
registered voter of the state of M			
FURTHERMORE, I HEREBY ST	ALL STATEMENTS MADE BY		
ME ARE TRUE AND CORRECT			
BEEN CONVICTED OF, FOUN			
GUILTY TO ANY OFFENSE IN			
I am at least 18 years of age. I do			
one) expect to be paid for circul			
the payer			
	Signature of Affiant		
	(Person obtaining signatures)		
	(Printed Name of Affiant)		
	Address of Affiant		
Subscribed and sworn to before			
A.D	ine this day or		
	Signature of Notary		
	Address of Notary		
Notary Public (Seal)	Tradition of Proteins		
My commission expires	1.1		
n is tollowed substantially a	nd the requirements of cost		

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117) Effective 11-04-1 *Revisor's Note: Section 560.021, as referenced in the form contained in this section, was repealed by S.B. 491, 2014, effective 1-01-17

Is the old Missouri statute that 116.030 and 116.040 got 560.021 from which is for corporations.

Chapter 560

FINES

Fines for felonies. Fines for misdemeano Fines for corporations Imposition of fines. anors and infractions

Cross Reference on amount of fines, RSMo 560.016 Infractions, limitations on a

560.011. Fines for felonies. -- 1. A person who has been convicted of a class C or D felony may be sentenced

(1) To pay a fine which does not exceed five thousand dollars; or

(2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender's gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.

2. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the crime. The amount of money or value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

3. The provisions of this section shall not apply to corporations.

(L 1977 S.B. 60)

Effective 1-1-79

560.016. Fines for misdemeanors and infractions. — 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

For a class A misdemeanor, one thousand dollars;

(2) For a class B misdemeanor, five hundred dollars:

(3) For a class C misdemeaner, that he dred dollars:

(4) For an infraction, two hundred

2. In lieu of a fine imposed under st 1, a person who has been convicted of a p meanor or infraction through which he "gain" as defined in section 560.011 in sentenced to a fine which does not excenthe amount of gain from the commis offense. An individual offender may be fi more than twenty thousand dollars under to provision.

(L. 1977 S.B. 60)

Effective 1-1-79

560.021. Fines for corporations -- 1 sentence to pay a fine, when imposed on an tion for an offense defined in this code of the offense defined outside this code for which a special corporate fine is specified, shall be a tence to pay an amount, fixed by the cort as exceeding:

(1) Ten thousand dollars, when the contion is of a felony;

(2) Five thousand dollars, when the tion is of a class A misdemeanor.

(3) Two thousand dollars, when the or tion is of a class B misdemeanor,

(4) One thousand dollars, when the cost tion is of a class C misdemeanor;

(5) Five hundred dollars, when the room tion is of an infraction;

(6) Any higher amount not exceed reas ble the amount of the corporation's gain in commission of the offense, as determined section 560.011.

2. In the case of an offense defined out code, if a special fine for a corporation were pressly specified in the statute that defi offense, the fine fixed by the court shall be

(1) An amount within the limits specified the statute that defines the offense; or

(2) Any higher amount not exceed at ble the amount of the corporation's gam in commission of the offense, as determined as section 560,011.

\$75 E

1 1917 S B 600 CHARTY 1-1-79

560.026. Imposition of fines. ng the amount and the method o tine, the court shall, insofar as practic ion the fine to the burden that paymen is view of the financial resources of a he court shall not sentence an offer he in any amount which will preve naking restitution or reparation to the

2. When any other disposition is a une, the court shall not sentence a to pay a fine only unless, having r ure and circumstances of the offi istory and character of the offende nion that the fine alone will su rotection of the public.

3. The court shall not sentence a a pay a fine in addition to any off

(1) He has derived a pecuniary g offense: or

The court is of the opinion uely adapted to deterrence of se involved or to the correc

4. When an offender is sentene ine, the court may provide for the pa ande within a specified period of citied installments. If no such part of the sentence, the f

When an offender is sentence fine, the court shall not impose at th u alternative sentence to be served hat the fine is not paid. The resp out to nonpayment shall be deter the fine has not been paid, as cution 560.031.

E 1977 S.B. 60)

Section (+1-79)

560.031. Response to nonpays a an offender sentenced to pay a The payment of the fine or in any ins it upon motion of the prosecuting on its own motion may require h use why he should not be imprisoned est. The court may issue a warrant namons for his appearance.